

AUG 6 2007

U.S. DISTRICT COURT
DISTRICT OF DELAWAREIN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWAREDiscontinued
FILED

JUL 26 2007

U.S. DISTRICT COURT
DISTRICT OF DELAWARE

RUFUS D. ANDERSON,

Plaintiff,

v.

Civil Action No. 07-245-SLR

NURSE DIRECTOR GAIL ELLER,
MEDICAL DIRECTOR JOHN RUNDLE,
and BUREAU CHIEF PAUL HOWARD,

Defendants.

SERVICE ORDER

At Wilmington this 16th day of July, 2007, plaintiff having satisfied the filing prerequisites of 28 U.S.C. § 1915A; and the court having identified a cognizable deliberate indifference to serious medical needs claim within the meaning of 28 U.S.C. § 1915A(b);

IT IS ORDERED that:

1. The clerk of the court shall cause a copy of this order to be mailed to plaintiff.
2. Pursuant to Fed. R. Civ. P. 4(c)(2) and (d)(2), plaintiff shall provide **original** "U.S. Marshal-285" forms for **each defendant**, as well as for the Attorney General of the State of Delaware, 820 N. FRENCH STREET, WILMINGTON, DELAWARE, 19801, pursuant to DEL. CODE ANN. tit. 10 § 3103(c). **Plaintiff shall also provide the court with copies of the complaint (D.I. 2) for service upon defendants and the attorney general. Furthermore, the plaintiff is notified that the United States Marshal will not serve the complaint until all "U.S. Marshal 285" forms have been received by the clerk of the court. Failure to provide the "U.S. Marshal 285" forms for each**

defendant and the attorney general within 120 days of this order may result in the complaint being dismissed or defendants being dismissed pursuant to Federal Rule of Civil Procedure 4(m).

3. Upon receipt of the form(s) required by paragraph 2 above, the United States Marshal shall forthwith serve a copy of the complaint (D.I. 2), this order, a "Notice of Lawsuit" form, the filing fee order(s), and a "Return of Waiver" form upon the defendant(s) so identified in each 285 form.

4. Within **thirty (30) days** from the date that the "Notice of Lawsuit" and "Return of Waiver" forms are sent, if an executed "Waiver of Service of Summons" form has not been received from a defendant, the United States Marshal shall personally serve said defendant(s) pursuant to Fed. R. Civ. P. 4(c)(2) and said defendant(s) shall be required to bear the cost related to such service, unless good cause is shown for failure to sign and return the waiver.

5. Pursuant to Fed. R. Civ. P. 4(d)(3), a defendant who, before being served with process timely returns a waiver as requested, is required to answer or otherwise respond to the complaint within **sixty (60) days** from the date upon which the complaint, this order, the "Notice of Lawsuit" form, and the "Return of Waiver" form are sent. If a defendant responds by way of a motion, said motion shall be accompanied by a brief or a memorandum of points and authorities and any supporting affidavits.

6. No communication, including pleadings, briefs, statement of position, etc., will be considered by the court in this civil action unless the documents reflect proof of service upon the parties or their counsel.

7. **NOTE:** *** When an amended complaint is filed prior to service, the court will **VACATE** all previous service orders entered, and service **will not take place**. An amended complaint filed prior to service shall be subject to re-screening pursuant to 28 U.S.C. §1915(e)(2) and § 1915A(a). ***

8. **NOTE:** *** Discovery motions and motions for appointment of counsel filed prior to service will be dismissed without prejudice, with leave to refile following service.


UNITED STATES DISTRICT JUDGE

Other Orders/Judgments

1:07-cv-00245-SLR Anderson v. Eller et al

PaperDocuments

U.S. District Court

District of Delaware

Notice of Electronic Filing

The following transaction was entered on 7/17/2007 at 4:38 PM EDT and filed on 7/17/2007

Case Name: Anderson v. Eller et al

Case Number: 1:07-cv-245

Filer:

Document Number: 6

Docket Text:

ORDER, plaintiff shall return to Clerk original USM 285 form(s) for each defendant, as well as for the Attorney General of the State of Delaware. Plaintiff shall also provide the court with copies of the complaint (D.I. 2) for service. Upon receipt, the U.S. Marshal shall serve process as directed by plaintiff. (Copy to pltf.). Signed by Judge Sue L. Robinson on 7/16/07. (fmt)

1:07-cv-245 Notice has been electronically mailed to:

1:07-cv-245 Notice has been delivered by other means to:

Rufus D. Anderson
SBI# 00328043
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1079733196 [Date=7/17/2007] [FileNumber=416482-0]
[70d89a483c181bd83523f740f9933bcd68d242255b71cb87ec0305856f87b432b1b8
a29684b0aae0fd6c85a421f8df9a8686d8a05afca1fd2388549b97b656ec]]

Office of the Clerk
United States District Court
844 N. King Street, Lockbox 18
Wilmington, Delaware 19801-3570
OFFICIAL BUSINESS

[Handwritten signature]

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RTS

Rufus D. Anderson
SBI# 00328043
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

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Wilmington, Delaware 19801-3570

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U.S. District Court
FILED

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U.S. DISTRICT COURT
DISTRICT OF DELAWARE

Rufus D. Anderson
110 North Popular Street
New Castle, DE 19720

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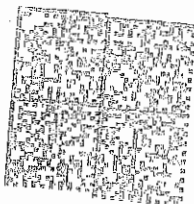
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RETURN TO SENDER
NO SUCH STREET
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EC: 1999001818

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